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LETTER DATED 1 MAY 1998 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of a memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea concerning the occupation of south Korea by United States troops dated 29 April, Juche 87 (1998).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) LI Hyong Chol
Ambassador
Permanent Representative

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Annex

Memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea

OCCUPATION OF SOUTH KOREA BY UNITED STATES TROOPS CAN NEVER BE JUSTIFIED

29 April, Juche 87 (1998)

United States occupation troops in south Korea are the major stumbling block seriously hindering peace and reunification on the Korean peninsula.

Owing to its division for over half a century, our nation has suffered the tragedy of fratricidal war and has not achieved reunification, and the Korean peninsula remains the world's most volatile spot with the gravest danger of war, from which results the "two Koreas" policy of the United States and the occupation of south Korea by United States troops supporting the policy by force.

The United States still stations 40,000 troops in south Korea and attempts to justify it. It even goes to the length of saying that the presence of United States troops in south Korea not only conforms to international law and practice since it accords with the "Mutual Defense Treaty", but also contributes to peace in the East Asian region.

South Korea's ruling circle has come out with a "theory on the permanent presence of United States forces" proposing the continued presence of United States troops for the so-called "balance of power" even after the reunification of the Korean peninsula.

In any case, however, the occupation of south Korea by United States troops cannot be justified.

Insistence on the permanent occupation of south Korea by United States troops is entirely unjust from the legal point of view and in respect of both the requirement of development of the post-cold war international political situation and the objectives of the "four-party talks".

The Ministry of Foreign Affairs of the Democratic People's Republic of Korea issues the present memorandum, regarding it necessary to make public at home and abroad the unjust nature of the occupation of south Korea by United States troops.

1. Withdrawal of United States occupation troops is a key to solution of the Korean problem

The United States tries to rationalize the presence of its forces, depicting its occupation troops in south Korea as "liberators" and "guardians of peace". Historical facts, however, prove that this claim is erroneous.

A. United States occupation troops in south Korea are the prime movers of Korea's division and the main obstacle preventing reunification

Taking advantage of the defeat of Japanese imperialism, the United States of America embarked on realizing its ambitions for dominating Korea, of which it had dreamed for a century.

On the pretext of disarming the defeated Japanese imperialists, the Pentagon issued "general order No. 1" to send United States troops into south Korea and, according to it, landed 45,000 troops, equivalent in strength to two divisions, at the port city of Inchon in south Korea on 8 September 1945.

The United States forces, which occupied the areas south of the 38th parallel line, declared military administration there and blocked all channels of traffic, transport, communication and travel with the areas north of 38th parallel.

Moreover, the United States enforced "separate elections" in south Korea by military force on 10 May 1948 and installed a puppet government, thus dividing Korea against the establishment of a unified democratic provisional government in Korea and provoking war, on 25 June 1950, in order to materialize its ambitions for dominating the whole of Korea.

Defeated in the war, the United States came out with the "two Koreas" policy, with a view to occupying half of the territory, and fixed the division of our country.

When the north and south published the 4 July joint statement, which contained the three principles of independence, peaceful reunification and great national unity, the United States instigated the south Korean authorities into issuing the "23 June special statement", thereby making "two Koreas" into a "policy".

When the north-south dialogue went into full swing upon entering the 1990s and the decisive phase of reunification was opened with the adoption of the agreement between the north and the south, the United States resumed the suspended "team spirit" joint military exercises, frustrated the inter-Korean dialogues and blocked the implementation of the agreement.

B. Occupation of south Korea by United States troops is a threat to the peace and security of the Korean peninsula

That the Korean peninsula became the world's hottest spot with the danger of war is attributable to the United States, which undermined and violated the Armistice Agreement, turned south Korea into powder keg of war and continues to stage armed provocations and war exercises against us.

In an attempt to justify its clamour about the possible outbreak of war in the event of the withdrawal of United States troops from south Korea, the United States now misleads the public to believe that the Korean war in 1950 had broken out because of the United States troop pull-out. It is nothing more than a plot

to lay blame on us for provocation of the past Korean war and, further, to rationalize the occupation of south Korea by United States troops.

It is a fact known to the world that United States troops remained in south Korea under the name of the so-called "military advisory group" after advertisement of their withdrawal therefrom in June 1949.

Since the war, the United States has systematically undermined and violated the armistice agreement, intensified the arms race on the Korean peninsula and converted south Korea into a supply base, thus increasingly intensifying hostile confrontation against us.

In June 1957 the United States announced the unilateral abrogation of subparagraph 13 (d) of the Armistice Agreement, which prohibited introduction of operation materials from outside Korea and stipulated the supervision of its implementation by the Neutral Nations Supervisory Commission and the Neutral Nations Inspection Teams, and freely brought into south Korea modern military equipment and operation materials without any restrictions.

The United States has continuously aggravated the situation through uninterrupted armed provocation manoeuvres against the northern half of the republic and poses constant threats to the peace of our republic.

The Pentagon used to bring the situation on the Korean peninsula to the brink of war by causing such incidents as the one involving the armed spy ship Pueblo in January 1968, the large reconnaissance plane EC-121 in April 1969, the Panmunjom case in August 1976 and the helicopter intrusion in December 1994.

The United States has waged various military exercises every year, including the "team spirit" joint military exercises with south Korea since 1976, and has completed preparations for unleashing an all-out war on the Korean peninsula.

The United States has recently mapped out a "win-win strategy" and reorganized its Eighth Army Command in south Korea into a field army system to suit the wartime system, while hastily giving final touches to the war plot at the final stage and getting crazy over beefing up the latest equipment.

Of late, the United States military brass hats are openly saying that they should get rid of our socialist system with a "preemptive strike" by making use of our alleged "economic crisis".

The United States occupation troops in south Korea are the armed forces that guarantee the hostile policy of the United States towards Korea with strength and by military means.

Reality shows that the United States troops' occupation of south Korea itself gives rise to an acute military confrontation on the Korean peninsula.

The United States intends, at any cost, to maintain the state of intense instability on the Korean peninsula without even accepting our epoch-making proposal on arranging institutional mechanisms at least to secure the truce and

to avert armed conflicts under the conditions in which the armistice system was completely paralysed in February 1996. In the long run, it cannot be interpreted otherwise that as an effort to make the permanent presence of the United States troops a fait accompli.

2. Withdrawal of United States troops is an unavoidable obligation under international law

The occupation of south Korea by United States troops is also unreasonable simply from the viewpoint of international law.

A. It is a commonly accepted principle of international law for belligerent parties to withdraw their armies in order to remove hostility after a war and to normalize their relations

The Government of the People's Republic of China completely pulled out its voluntary army, which had participated in the Korean war on its own initiative in 1958.

The Governments of other countries that had sent troops to the Korean war under the name of "United Nations forces" at the request of the United States Government withdrew their armies from south Korea, and many of them established diplomatic relations with the Democratic People's Republic of Korea.

The United States, too, would usually pull out its forces after taking part in military actions in other regions. The United States Administration intends to maintain hostile and belligerent relations with us while continuing to keep its troops only in south Korea.

B. United States troop occupation of south Korea is a flagrant violation of the Armistice Agreement, which envisaged withdrawal of all foreign troops from the Korean peninsula

Paragraph 60 of article IV of the Armistice Agreement, signed on 27 July 1953, stipulates that within three months after the signature of the Agreement, a political conference of a higher level be held to settle through negotiation the question of the withdrawal of all foreign forces from Korea.

However, even before the ink dried on the signed Armistice Agreement, which foresaw the withdrawal of foreign forces, the United States instigated the south Korean puppets into signing the "Mutual Defense Treaty" on 8 August 1953, which prescribed the long-term presence of United States troops.

In signing this "treaty" the United States sought to arrange a "legal basis" on which to undermine the Armistice Agreement, reject just demands for the withdrawal of all foreign forces that would be duly raised after the war and continuously advocate for the occupation, and to find a pretext for aggressive military action on its own in case of need.

Thus came into being the "Mutual Defense Treaty", which the United States puts up to justify its policy of occupying south Korea.

The ulterior motive of the United States for occupation can also be clearly seen in the process of convening the political conference stipulated in the Armistice Agreement.

The United States side, which came to the site of the preliminary talks for the political conference, held in Panmunjom beginning in October 1953, delayed the discussion on procedural matters related to the convocation of the Conference and unilaterally withdrew from the preliminary talks, thus rupturing them.

At the Conference of Foreign Ministers of the countries concerned for the peaceful coordination of the Korean question, held in Geneva in April 1954, the United States also made a unilateral claim for holding a United Nations-supervised election throughout Korea and for the non-withdrawal of United States troops before the establishment of a unified Korean Government and, thereafter, declared the suspension of the conference.

The United States had purportedly stationed its troops in south Korea for "disarming Japan" after World War II and as "United Nations forces" authorized by United Nations resolutions after the truce. And as the public opinion calling for the withdrawal of United States troops has gained momentum since the 1970s, it has tried to rationalize them as "station troops" under the "Mutual Defence Treaty" with south Korea.

The report of the investigation bureau of the United States Congress in December 1994, which made it clear that the withdrawal of United States troops from south Korea was not bound by the "Mutual Defence Treaty", shows that the presence of United States troops in south Korea ascribed to a certain "treaty" or to a "request" by someone is no more than a pretext. It verifies that the occupation of south Korea by United States troops is a military means that supports the enforcement of United States policy towards Korea with strength.

C. Occupation of south Korea by United States troops also runs counter to the resolutions of the United Nations General Assembly

Resolution 3390 B of 18 November 1975, adopted at the thirtieth session of the General Assembly, calls for the dissolution of the "United Nations Command" in south Korea and the withdrawal of all foreign forces.

Resolution 3390 A of 18 November 1975, sponsored by the United States of America, also envisages the withdrawal of United States troops when alternative measures for peace are provided.

The alternative measures can now be assumed to have been fully provided, in accordance with the United States-sponsored resolution, with the Agreement on Reconciliation, Non-aggression and Exchanges and Cooperation between the South and the North, which entered into effect on 19 February 1992, the Agreed Framework between the United States of America and the Democratic People's Republic of Korea of 21 October 1994 and the "four-party talks" aimed at replacing the Armistice Agreement with a peace agreement, which are currently under way.

It is inevitable that the withdrawal of United States troops involved in the war will be deliberated on since the problem of signing a peace agreement is under discussion at the "four-party talks".

However, the United States came out with the assertion that the issue of military confidence-building should be discussed first, saying it would not negotiate on the withdrawal of its troops.

It is unrealistic to debate first the issue of military confidence-building, excluding the withdrawal of United States troops, in the absence of political confidence in respect of the belligerent hostile relations between the Democratic People's Republic of Korea and the United States of America.

3. Withdrawal of United States troops is an urgent demand of the present time

While citing the alleged "southward advance of the Soviet Union" and the "southward invasion by the north", the United States has advertised its occupation troops as a "deterrent force" as if to contribute to "safeguarding peace". The logic of the cold war era can no longer serve to rationalize the occupation of south Korea by the United States troops now when the cold war has ended. Now that the former Soviet Union has collapsed, no one can understand the reason for keeping the United States troops in south Korea to hold off the southward advance by someone.

In a bid to justify its assertion, the United States depicts its occupation troops in south Korea as something of a "war deterrent force" to check our "aggression" in hold, claiming that our armed forces' "forward deployment in offensive formation" causes problems.

As our country lacks any particular depth in its small territory, neither "forward deployment" nor "backward deployment" holds water in itself.

As for the "forward deployment", the United States troops in south Korea, thousands of miles away from the United States mainland, are, indeed, the forces deployed in forward bases in an offensive posture.

We have clarified time and again that we have no intention of southward invasion and have maintained a consistent position on relaxing tension through dialogue and negotiations and on achieving a peaceful reunification of the country.

It is completely preposterous that the United States, in running amok with war preparations for a northward invasion under the signboard of the fictitious "southward invasion", tries to justify its military occupation of south Korea by shifting the responsibility onto another's shoulders.

It is a strategic blunder of the United States to insist on the permanent presence of its forces in south Korea even at the present time, when a "strategic partnership" is in the making with the accelerated process of détente begun in the 1990s.

The withdrawal of foreign troops from other countries and the dismantling of military bases in foreign countries are becoming an international trend.

Even the political and social circles of the United States recognize the propriety of the withdrawal of United States troops from south Korea.

In the early 1990s, the former United States Administration published a three-phase plan of troop withdrawal and announced the completion of the first stage of the plan.

The United States should immediately take the measure of pulling its troops out of south Korea rather than pursuing the anachronistic policy of occupation by its troops. It will be in the strategic interests of the United States as well.